

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Sunny Days Entertainment, LLC,)	Civil Action No. 6:18-cv-00015-DCC
)	
Plaintiff,)	
)	
vs.)	<u>CONSENT AMENDED</u>
)	<u>CONFERENCE AND SCHEDULING</u>
Traxxas, L.P.,)	<u>ORDER</u>
)	
Defendants.)	
)	
)	

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this District, the Court hereby establishes the following amended schedule for this case. This Scheduling Order is entered to administer the trial of this case in a manner consistent with the Federal Rule of Civil Procedure's goal of securing "the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

1. Amendment of Pleadings: Any motions to join other parties and to amend the pleadings shall be filed by **September 23, 2019**.
2. Expert Disclosures:
 - A. Plaintiff shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **October 4, 2019**.
 - B. Defendant shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **November 4, 2019**.
 - C. Plaintiff shall be entitled to provide a rebuttal expert report by **November 18, 2019**.
3. Records Custodians: Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **December 6, 2019**. Objections to such affidavits must be made within 14 days after the service of the

disclosures. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3) (D.S.C.).

4. **Discovery**: Discovery shall be completed no later than **December 13, 2019**. All discovery requests (except RFAs) shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 (D.S.C.), and have had a telephone conference with Judge Coggins in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such motion. Attorneys should send a request for a telephone conference via e-mail to coggins_ecf@scd.uscourts.gov. The parties shall set forth their respective positions in their request.**
5. **Motions**: All dispositive motions and all other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial (other than *Daubert* motions), shall be filed on or before **February 7, 2020**.
6. **Mediation**: Mediation shall be completed in this case on or before **March 6, 2020**. *See* Judge Coggins' Standing Mediation Order (setting forth mediation requirements).
7. **Request for Admissions**: All requests for admissions shall be served in time for the responses thereto to be served by **March 11, 2020**.
8. **Daubert Motions**: All *Daubert* motions shall be filed on or before **March 27, 2020**. Responses to *Daubert* motions shall be filed on or before **April 17, 2020**.
9. **Pretrial Disclosures**: No later than **April 9, 2020** the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within 14 days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party, and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6). The parties shall serve any objections to counter-designations no later than **April 30, 2020** and confer on objections to deposition designations no later than **May 7, 2019**.
10. **Motions in Limine**: Motions in Limine must be filed no later than **April 9, 2020**. Written responses are due 7 days after the motion is filed.
11. **Pretrial Briefs and Exhibits**: Parties shall furnish the Court pretrial briefs 7 days prior to the date set for jury selection.¹ Local Civil Rule 26.05 (D.S.C.). Attorneys shall

¹ The pretrial brief information found in Local Civil Rule 26.05(A)-(M) (D.S.C.) shall be submitted only to the Judge's chambers. However, pretrial brief information contained in Local Civil Rule 26.05(N)-(O) (D.S.C.) shall be served on opposing parties.

meet at least 7 days prior to the date set for submission of pretrial briefs for the purpose of the exchanging and marking all exhibits. See Local Civil Rule 26.07 (D.S.C.).

12. Jury Selection and Trial: This case is subject to being called for jury selection and/or trial on or after **May 11, 2020**.

The parties' attention is specifically directed to Local Civil Rule 5.03 (D.S.C.) regarding the filing of confidential material. The parties' attention is also directed to the Court's website regarding instructions or other orders that may be applicable to your case.

s/Donald C. Coggins, Jr.
United States District Judge

July 2, 2019
Spartanburg, South Carolina

Pursuant to Local Civil Rule 83.I.06 (D.S.C.), this Order is being sent to local counsel only.